

BILL NO. Z-68-05- 29

ZONING MAP ORDINANCE NO. Z- 34-68

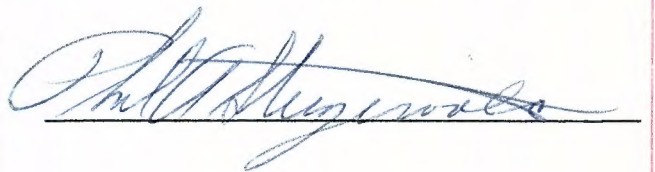
AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. G-15.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
INDIANA:

SECTION 1. That the area described as follows is hereby
designated an R-1 District under the terms of Chapter 36,
Municipal Code of the City of Fort Wayne, Indiana, 1946, as
amended by General Ordinance No. 2836; and the symbols on the
City of Fort Wayne Zoning Map No. G-15 referred to therein,
established by Section 9, Article III of said Chapter as amended,
are hereby changed accordingly, to-wit:

North 300 feet of South 660 feet of
West 198 feet in East Half of South-
east Quarter of Section 20, Township
31 North, Range 13 East.

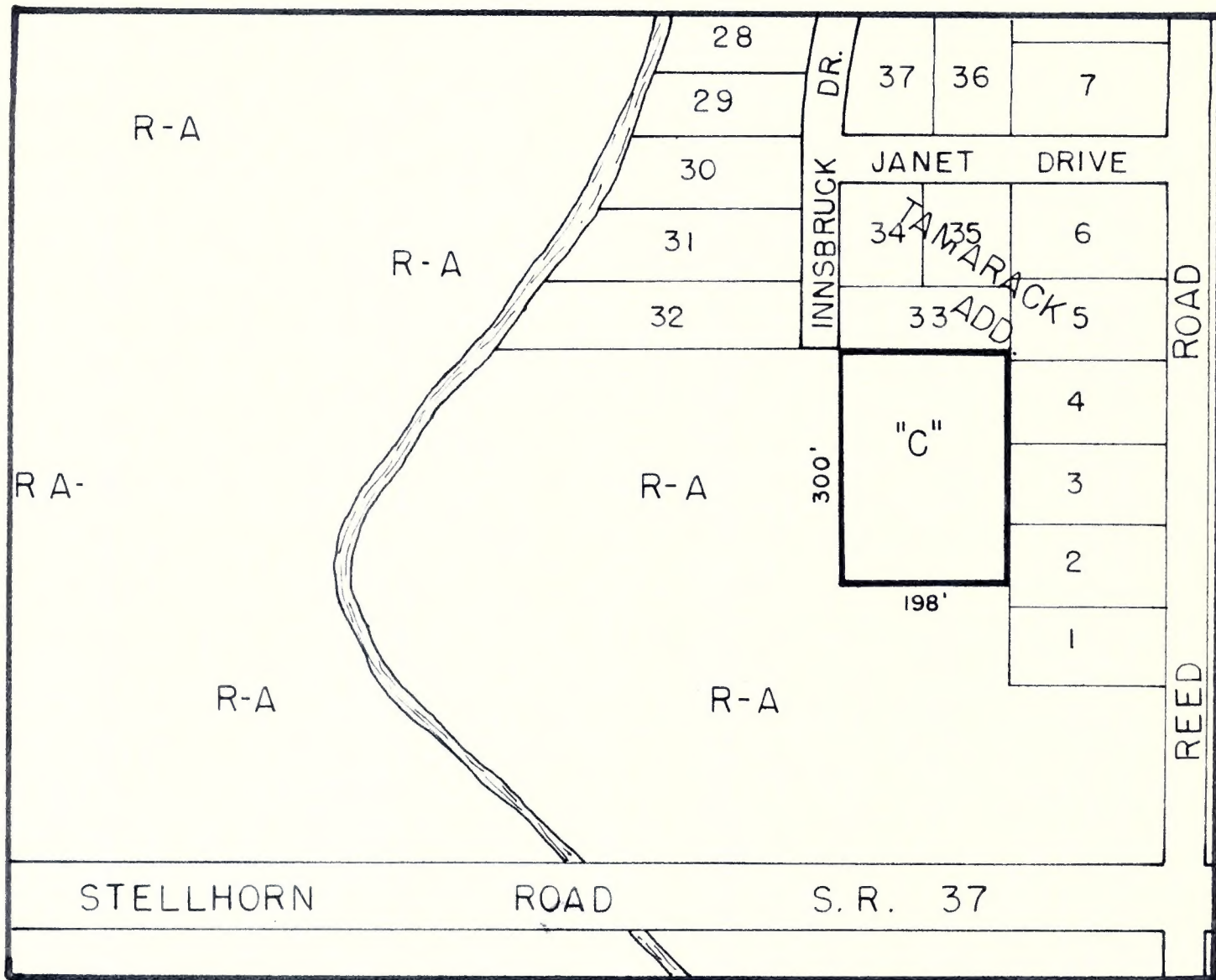
SECTION 2. This Ordinance shall be in full force and
effect from and after its passage, approval by the Mayor, and
legal publication thereof.



APPROVED AS TO FORM
AND LEGALITY



CITY ATTORNEY



"C" CHANGE FROM RA TO RI

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on May 28, 1968, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-68-05-29; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

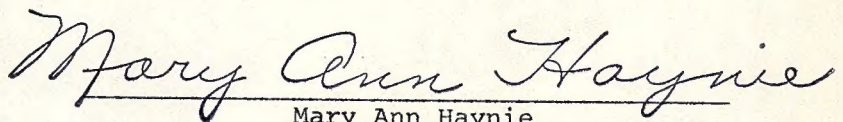
WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 15, 1968;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS for the reasons that a need has been shown for the Land Use Plan to be amended, the amendment will be in the best interest of and benefit to the area involved and of and to the city, and the amendment will not be detrimental to and does not conflict with the overall city plan;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held July 22, 1968.

Certified and signed this
31st day of July 1968.


Mary Ann Haynie
Secretary

File - Rezoning on Innsbruck Dr.

May 29, 1968

Mr. Troy Yeoman
Building Commissioner
425 South Calhoun St.
Fort Wayne, Indiana

Office of the City Traffic Engineer
425 South Calhoun Street
Fort Wayne, Indiana

Mr. William Jones
Planning Director
City Plan Commission
425 South Calhoun St.
Fort Wayne, Indiana

Office of City Engineer
425 South Calhoun Street
Fort Wayne, Indiana

Office of Street Engineer
City of Fort Wayne
425 South Calhoun St.
Fort Wayne, Indiana

Office of City Water Engineer
425 South Calhoun Street
Fort Wayne, Indiana

Office of City Sewer
Engineer
425 South Calhoun St.
Fort Wayne, Indiana

Office of City Electrical Engineer
425 South Calhoun Street
Fort Wayne, Indiana

Allen County Surveyor
Allen County Court House
Fort Wayne, Indiana

Honorable Dale J. Myers
Allen County Court House
Fort Wayne, Indiana

In re: Building Application of
Gerald and Carolyn Bentley

Gentlemen:

The undersigned attorney represents approximately 110 interested residents of Tamarack and Bohde Additions who have been informed that an application for a building permit for a 23 unit Townhouse Apartment House has been applied for the 24th day of May, 1968 by Mr. and Mrs. Gerald Bentley. The property covered by their application is as follows:

The North 300 feet of the South 660 of the West
198 feet of the East 429 feet in the East one-
half of the Southeast one-fourth Section 20,
Township 31 North, Range 13 East in Allen County,
Fort Wayne, Indiana

which is zoned "RA".

C
O
P
Y

May 29, 1968

Page -2-

The people are most opposed to the granting of this building permit, and in my opinion they have serious and meritorious objections to the granting of the building permit.

The most obvious objection would be, of course, that an apartment complex would disturb the continuity of the existing neighborhood. Although Tamarack and Bohde Additions are near by the proposed apartment complex are also zoned "RA". They are by plat in effect single family residential additions.

The neighbors are, particularly those who live on Innsbruck Drive, concerned as to whether or not the street could handle the additional traffic congestion that the construction of an apartment house would create.

It is my understanding that there is a proposal before the City Council to rezone the area in which this proposed building permit is asked to an "R-1" district to preserve the continuity of the neighborhood.

However, and more significantly there is in the minds of the neighbors a serious reservation about the adequacy of the sewer facilities which would be utilized by the proposed apartment complex. It is my understanding that the area is served by Diversified Utilities, Inc. with a twelve inch sewer line. Several of the clients have related to me this is where the sewer line has not only proven inadequate, but as a result of rains, surface water and sewage has backed up into their basements. As a matter of fact, one of the residents has, some time back, filed a law suit against Diversified Utilities, Inc. for damages to his property as a result of such a back up in his basement, and has collected damages and settlement of his claim. These law suits are a matter of record, so as to indicate the seriousness of the reservations these people have about the adequacy of the sewer line.

In addition, the Indiana State Stream Pollution Board has recently noted that Diversified Utilities, Inc. cannot expand its sewage facilities.

Thus it is obvious that where a sewer is presently inadequate it is highly inconceivable that the addition of more than 20 units to the same sewer line would be wise and provident.

For all of the above reasons my clients are extremely opposed to the granting of this building permit. It is my understanding that the permit application is now being "routed" through your respective offices. It is my further understanding that as this is within the 2 mile fringe area of Fort Wayne, the matter must be approved by the Sewer Engineer as well as the County Surveyor with respect to adequacy of drainage of sewers before the final approval can be given by the Building Department.

C
O
P
Y

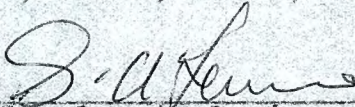
May 29, 1968
Page -3-

Therefore, this is to inform you that unless I and/or my clients are satisfied that the City and County has taken steps to investigate and make a determination as to the adequacy of the sewer line in this area, before the permit is granted; and unless we are informed as to the results of said investigation to our satisfaction, I have been instructed to take whatever legal steps are necessary to prevent the granting of the building permit in question. As Diversified Utilities, Inc. and its related corporations is now in a Federal Receivership, the capacity of the corporation to even provide the service of sewer and water lines is questionable under the circumstances. In any event should we not receive the satisfaction requested in this letter, I shall proceed in accordance with the action set out above.

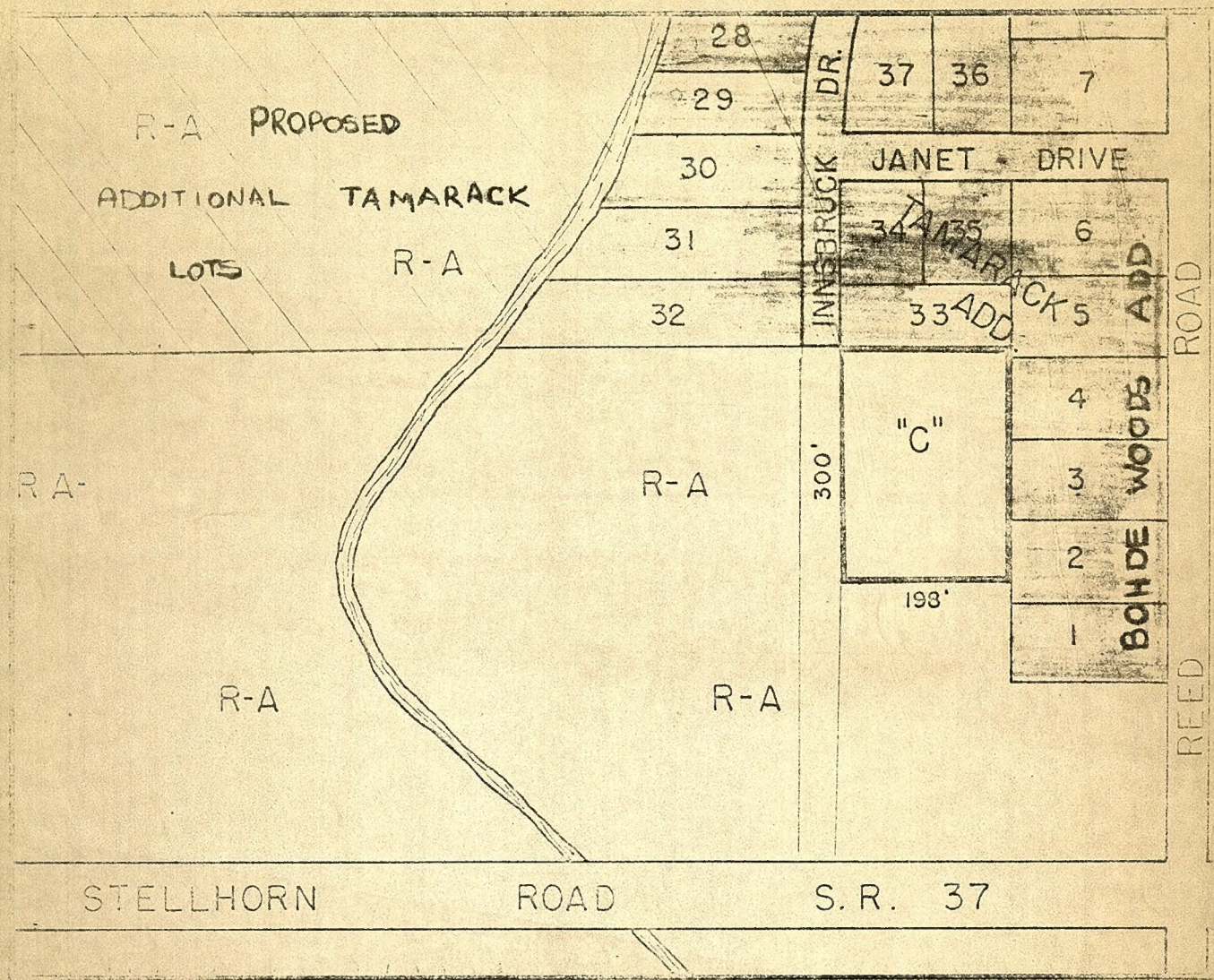
Sincerely,

NIETER, SMITH, BLUME, WYNEKEN & DIXON

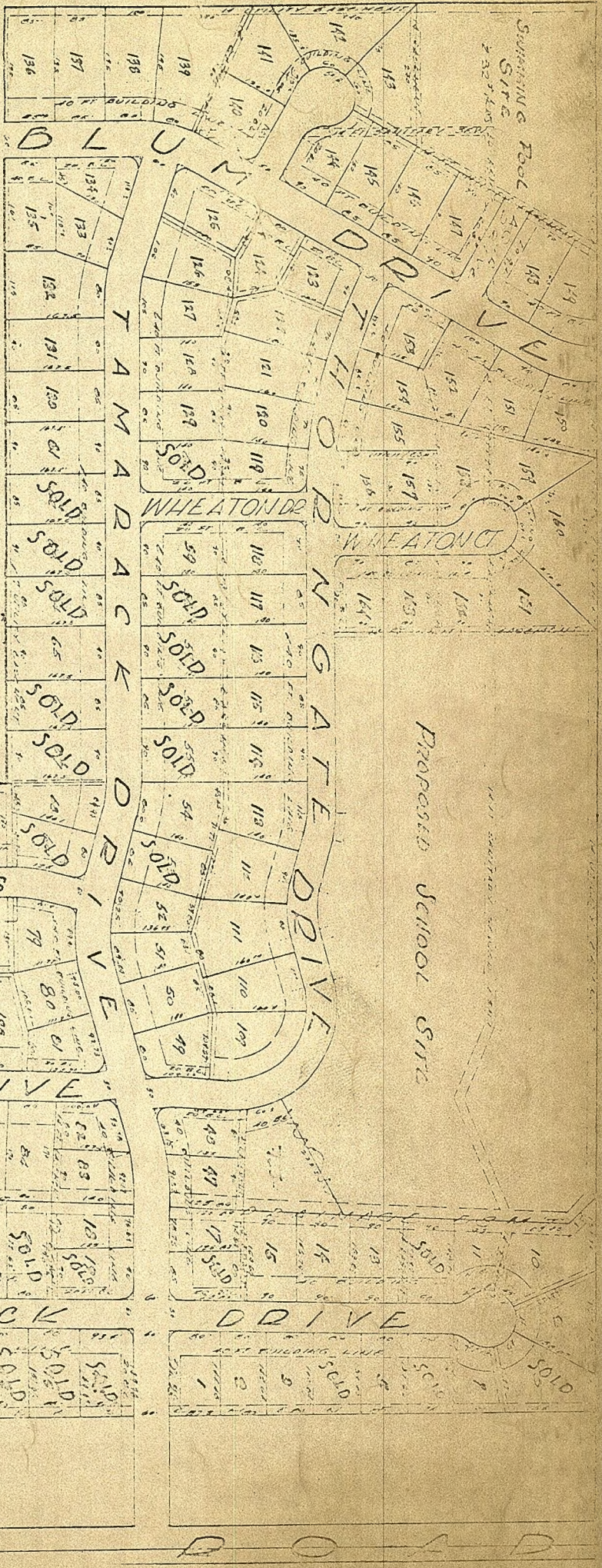
By:


Stanley A. Levine

SAL:pjc

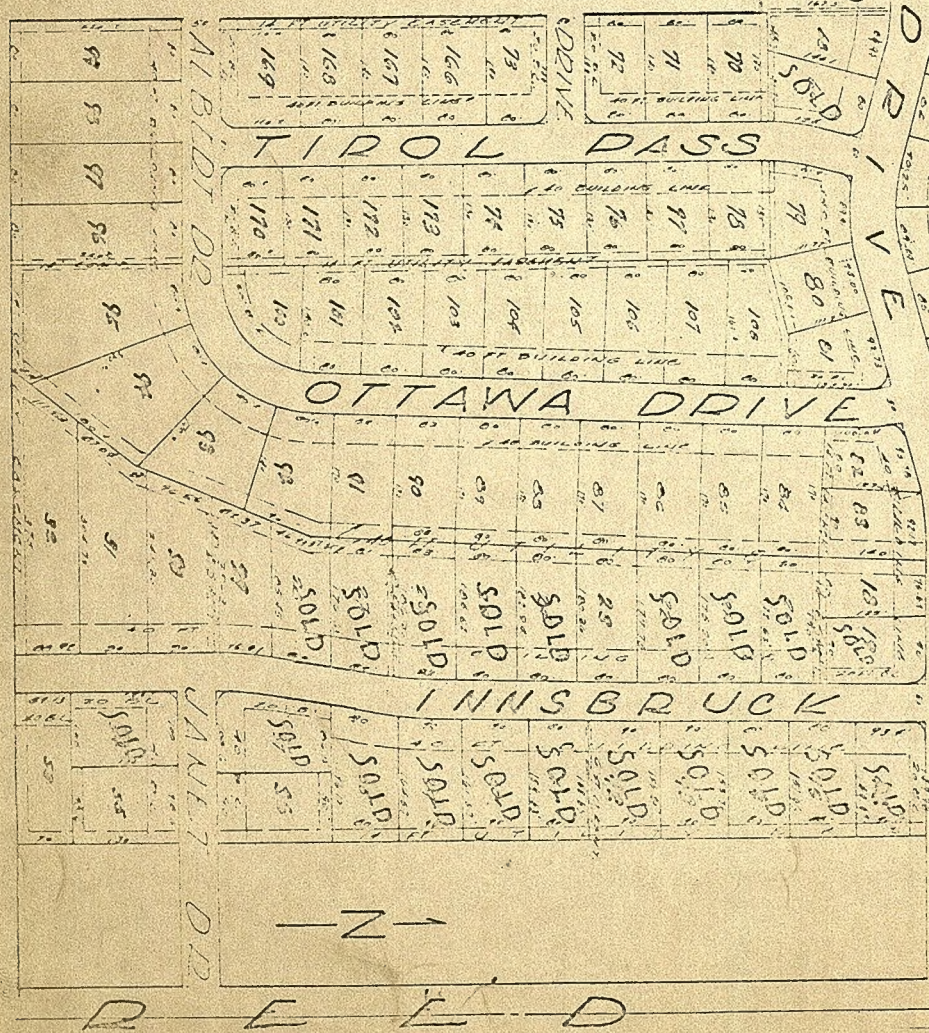


"C" CHANGE FROM RA TO RI



A FEW HIGHLIGHTS OF TAMMACK

- Distinctive Homes by Builder of Choice
- Wooded and Open Home Sites
- Boulevard Streets
- City Water
- Sanitary and Storm Sewer System
- Low Tax Rate
- Restricted Lots with Protective Covenants
- Near Schools, Churches, Shopping, Recreation
- Quiet, Clean, Safe, Spacious



May 22, 1968

4904 Innsbruck Dr.

Fort Wayne, Indiana

Dear Mr. Robinson,

Here is the legal description of the property on which Gerald and Carolyn M. Bentley are appealing for variances, May 23, 1968.

Case No. 32-1968-~~7~~

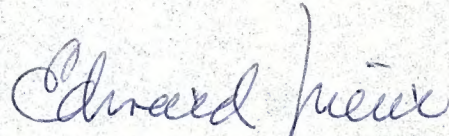
Premises affected: Innsbruck Avenue, being the North 300 feet of the South 660 feet of the West 198 feet of the East 429 feet in the East Half of the Southeast Quarter of Section 20, Township 31 North, Range 13 East.

Subject: Appeal for a permit for the establishment of Variances of Density and Side yard requirements for the erection of a 2 story, 25 unit Townhouse apartment building.

An RA District.

On behalf of the residents of the area, we thank you for your help.

Yours truly,



Committee: Dale Myers

Roy McBane

Ed Arends

Chris ^{HITCHIN} ~~Lichtin~~

Karl Carstens

Edward Meier

RA-R1

Bill No. Z-68-05-29

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance
amending the City of Fort Wayne Zoning Map No. G-15,

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance Do PASS.

PHIL A. STEIGERWALD, Chairman

CELIA ANN FAY, Vice-Chairman

THOMAS G. ADAMS

JOHN H. ROBINSON

EDWIN J. ROUSSEAU

Celia Ann Fay
Thomas G. Adams
John H. Robinson

CONCURRED IN

DATE 8-13-68 FUAD G. BONAHOOM, CITY CLERK

45-26-27-28-29

Read the first time in full and on motion by Steigerwald seconded by Robinson and duly adopted, read the second time by title and referred to the (Committee on) Regulations (and to the City Planning Commission for recommendation) (and ~~Public Hearing to be held after due legal notice, at the Council Chambers, City Hall, Fort Wayne, Indiana, on~~ the day of 196 , at o'clock P.M., E.S.T.

Date: 5-28-68 Lud G. Bonahoom
City Clerk

Read the third time in full and on motion by Fay seconded by Adams and duly adopted, placed on its passage.

Passed (~~lost~~) by the following vote:

AYES	<u>7</u>	NAYS	<u>0</u>	ABSTAINED	<u> </u>	ABSENT	<u>2</u>	to-wit:
Adams	<u>✓</u>							
Dunifon	<u>✓</u>							
Fay	<u>✓</u>							
Geake	<u>✓</u>							
Nuckols	<u>✓</u>							
Robinson	<u>✓</u>							
Rousseau	<u> </u>							
Steigerwald	<u> </u>							
Tipton	<u>✓</u>							

Date 8-13-68 Lud G. Bonahoom
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map)(General)(Annexation)(Special)(Appropriation) Ordinance (Resolution) No. 2-34-6 on the 13th day of August, 196 8.

ATTEST: (SEAL) Lud G. Bonahoom Jack H. Dunifon
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of August, 196 8 at the hour of 10:00 o'clock A.M., E.S.T. Lud G. Bonahoom
City Clerk

Approved and signed by me this 15th day of August, 196 8 at the hour of 10:17 o'clock A.M., E.S.T. Harold A. Zois
Mayor

Allen

County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set)
— number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

72

1

73

COMPUTATION OF CHARGES

73 lines, columns wide equals equivalent lines at 288¢
cents per line

21.02

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

21.02

DATA FOR COMPUTING COST

Width of single column 11 ems

Size of type 5½ point

Number of insertions 2

Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date September 6, 1968

Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana } ss:
ALLEN County

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLAX DEWALD T. C. Roemke who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time s, the dates of publication being as follows:

August 26, 1968

September 2, 1968

Subscribed and sworn to before me this 6th day of September 1968

Edith Stapleton
Notary Public

My commission expires March 8, 1970

Notice is hereby given that on the 13th day of August, 1968, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session, did pass the following Zoning Map ordinance, to-wit:
Bill No. Z-68-05-29
ZONING MAP ORDINANCE NO. Z-34-68
AN ORDINANCE amending the City of Fort Wayne Zoning Map No. G-15.
BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:
SECTION 1. That the area described as follows is hereby designated an R-1 District under the terms of Chapter 36, Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2836; and the symbols on the City of Fort Wayne Zoning Map No. G-15 referred to therein, established by Section 9, Article III of said Chapter as amended, are hereby changed accordingly, to-wit:
North 300 feet of South 600 feet of West 198 feet in East Half of Southeast Quarter of Section 20, Township 31 North, Range 13 East.
SECTION 2. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and legal publication thereof.
PHIL A. STEIGERWALD, Councilman.
Read the third time in full and on motion by Fay seconded by Adams and duly adopted, placed on its passage. Passed by the following vote:
Ayes: seven.
Adams, Dunifon, Fay, Geake, Nuckols, Robinson, Tipton.
Nays: none.
Absent two, to-wit: Councilman Roussau and Steigerwald.
FUAD G. BONAHOOM, City Clerk.
Date: 8-13-68.
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Zoning Map Ordinance No. Z-34-68 on the 13th day of August, 1968.
ATTEST:
FUAD G. BONAHOOM, City Clerk.
JACK K. DUNIFON, Presiding Officer.
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of August, 1968 at the hour of 10:00 o'clock A.M., E.S.T.
FUAD G. BONAHOOM, City Clerk.
Approved and signed by me this 15th day of August, 1968, at the hour of 10:17 o'clock A.M., E.S.T.
HAROLD S. ZEIS, Mayor.
I, Fuad G. Bonaohoom, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true, and complete copy of Zoning Map Ordinance No. Z-34-68 passed by the Common Council on the 13th day of

Common Council, City of Ft. Wayne
(Governmental Unit)

To.....NEWS-SENTINEL.....Dr.

Allen.....County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines	_____
Head number of lines	_____
Body number of lines	72
Tail number of lines	1
Total number of lines in notice	73

COMPUTATION OF CHARGES

73 lines,.....columns wide equals.....equivalent lines at..... cents per line	288¢ \$ 21.02
Additional charge for notices containing rule or tabular work (50 per cent of above amount)	_____
Charge for extra proofs of publication (50 cents for each proof in excess of two)	_____
TOTAL AMOUNT OF CLAIM	\$ 21.02

DATA FOR COMPUTING COST

Width of single column 11 ems	Size of type.....5½.....point
Number of insertions.....2	Size of quad upon which type is cast.....5½.....

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

A. M. Hostman

Date September 6, 1968

Title.....Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana }
ALLEN County } ss:
Personally appeared before me, a notary public in and for said county and state, the undersigned A. M. Hostman who, being duly sworn, says that She is Clerk of the NEWS-SENTINEL a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time s, the dates of publication being as follows:
August 26, 1968
September 2, 1968
Subscribed and sworn to before me this 6th day of September 19 68
Edith Stapleton
Notary Public
My commission expires March 8, 1970

Notice is hereby given that on the 13th day of August, 1968, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session, did pass the following Zoning Map ordinance, to-wit:
Bill No. Z-68-05-29
ZONING MAP ORDINANCE NO. Z-34-68
AN ORDINANCE amending the City of Fort Wayne Zoning Map No. G-15.
BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:
SECTION 1. That the area described as follows is hereby designated an R-1 District under the terms of Chapter 36, Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2836; and the symbols on the City of Fort Wayne Zoning Map No. G-15 referred to therein, established by Section 9, Article III of said Chapter as amended, are hereby changed accordingly, to-wit:
North 300 feet of South 660 feet of West 198 feet in East Half of South-east Quarter of Section 20, Township 31 North, Range 13 East.
SECTION 2. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and legal publication thereof.
PHIL A. STEIGERWALD, Councilman.
Read the third time in full and on motion by Fay seconded by Adams and duly adopted, placed on its passage. Passed by the following vote:
Ayes: seven.
Adams, Dunifon, Fay, Geake, Nuckols, Robinson, Tipton.
Nays: none.
Absent two, to-wit: Councilman Roussau and Steigerwald.
FUAD G. BONAHOOM, City Clerk.
Date: 8-13-68.
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Zoning Map Ordinance No. Z-34-68 on the 13th day of August, 1968.
ATTEST: (SEAL)
FUAD G. BONAHOOM, City Clerk.
JACK K. DUNIFON, Presiding Officer.
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of August, 1968 at the hour of 10:00 o'clock A.M., E.S.T.
FUAD G. BONAHOOM, City Clerk.
Approved and signed by me this 15th day of August, 1968, at the hour of 10:17 o'clock A.M., E.S.T.
HAROLD S. ZEIS, Mayor.
I, Fuad G. Bonaohoom, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of Zoning